

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: Johnson et al. )  
Application No.: 10/623,957 ) Examiner: David C. Comstock  
 ) Art Unit 3733  
Filed: July 21, 2003 ) Confirmation No. 6059  
TISSUE DISTRACTION DEVICE ) October 17, 2007

**AMENDMENT UNDER 37 C.F.R. §1.312**

Mail Stop AF  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This amendment is in response to an Examiner's Amendment accompanying a Notice of Allowance mailed on October 5, 2007. It is believed that the Examiner's Amendment did not take into account a preliminary amendment filed on July 21, 2003 along with the present continuation application. Moreover, the proposed amendment included an error in a noted serial number.

This Amendment Under 37 C.F.R. §1.312 is being filed before the payment of the issue fee and before the deadline for such payment (January 7, 2008). It is believed that no fees are due for this amendment, but in the event that fees are required the Commissioner is requested to deduct the necessary amount from Deposit Account 13-0014.